

REMARKS

The Final Office Action dated July 26, 2005 has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Claims 1-7 are pending in this application. Claims 1-7 stand rejected. Claim 1 has been amended herein. No new matter has been added with the amendment to Claim 1.

The rejection of Claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,721,676 (Ueda) in view of U.S. Patent No. 5,628,319 (Koch), and further in view of U.S. Patent No. 6,511,426 (Hossack) is respectfully traversed.

Ueda describes a process of converting simulation data into test data for testing an integrated circuit 18. The simulation data is produced by software simulation and is representative of a continuous change of state of the integrated circuit 18 over time. A test data processor 11 converts the simulation data into test data suitable for use in actual testing of the integrated circuit 18. The processor 11 thereafter tests the integrated circuit 18 using the test data. The process includes detecting a transition of state of the simulation data, extracting S100 an event from the simulation data in response to the transition, and creating S130 the test data in response to an event.

Koch describes a method and device for nondestructive testing using ultrasonics. Specifically, ultrasonic pulses are fed into an object and ultrasonic waves emerging from the object are detected by an ultrasonic testing head 10 and 12. The detected waves are converted into electrical signals, amplified, and sampled to produce measurement values. The sampled measurement values are digitized and stored. A function is obtained from the digitized values via interpolation. Peak values of the ultrasonic waves and/or a time of propagation of the waves at their peaks are determined using the obtained function.

Hossack describes a method and system for reducing speckle for two and three-dimensional images. Specifically, for two-dimensional imaging, a one and a half or a two-dimensional transducer is used to obtain sequential, parallel or related frames of elevation spaced data. The frames are compounded to derive a two-dimensional image. For

three-dimensional imaging, various pluralities of two-dimensional frames of data spaced in elevation are compounded into one plurality of spaced two-dimensional frames of data. The frames of data are then used to derive a three dimensional set of data, such as by interpolation. Alternatively, the various pluralities are used to derive a three-dimensional set of data. An anisotropic filters the data at least along the elevation dimension. Various displays may be generated from the final three-dimensional set of data. Hossack also describes a method and system for adjustably generating two and three-dimensional representations. For three-dimensional imaging, at least two sets of three-dimensional data corresponding respectively to two types of Doppler or B-mode data are generated. The sets of data are then combined. An image or a quantity may be obtained from the combined data. By combining after generating the three-dimensional sets of data, the same data (sets of data) may be combined multiple times pursuant to different relationships. Likewise, frames of data may be combined pursuant to different persistence parameters, such as different finite impulse response filter size and coefficients. The frames of data may then be re-combined pursuant to different persistence parameters. Original ultrasound data may also be used to regenerate an imaging using the same ultrasound image processes as used for a previous image.

Applicants respectfully submit that the Section 103 rejection of Claims 1-5 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Ueda, Koch, or Hossack, considered alone or in combination, describe nor suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Ueda with Koch and Hossack, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levingood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine

such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is clearly based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Moreover, if art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited, as a whole, is not suggestive of the presently claimed invention. Accordingly, for at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection be withdrawn.

Moreover, to the extent understood, no combination of Ueda, Koch, and Hossack describes nor suggests the claimed combination and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 1 recites a method of managing NDE data comprising "providing a predetermined standard data format for NDE test data...converting existing NDE test data including a plurality of different data formats into the standard data format, wherein the plurality of different data formats comprise image data formats and non-image data formats...adding the converted NDE test data to a computer database associated with a computer network...and transmitting the converted data over the network."

None of Ueda, Koch, or Hossack, considered alone or in combination, describe or suggest the method recited in Claim 1. For example, none of Ueda, Koch, or Hossack, considered alone or in combination, describe nor suggest converting existing NDE test data including a plurality of different data formats into a standard data format, wherein the plurality of different data formats comprise image data formats and non-image data formats, as recited in Claim 1. Rather, Hossack describes converting Doppler and B-mode image information into two-dimensional images in a DICOM or TIFF format. Accordingly, Hossack does not describe or suggest converting a plurality of different data formats into a standard data format, wherein the plurality of different data formats comprise image data formats and non-image data formats. Neither Ueda nor Koch, considered alone or in combination, make up for the deficiencies of Hossack. Rather, Ueda describes testing an integrated circuit by converting simulation data that represents a continuous change of state of the circuit over time and that is produced by software simulation into test data suitable for use in actual testing of the circuit, and using the test data to test the circuit; and Koch describes nondestructive testing that includes converting detected ultrasonic waves into electrical signals to produce measurement values used for determining peak values of the waves and/or a time of propagation of the waves at their peaks. Accordingly, Claim 1 is submitted to be patentable over Ueda in view of Koch, and further in view of Hossack.

Claims 2-5 depend from independent Claim 1. When the recitations of dependent claims 2-5 are considered in combination with the recitations of independent Claim 1, Applicants submit that dependent Claims 2-5 are likewise patentable over Ueda in view of Koch, and further in view of Hossack.

For at least the reasons set forth above, Applicants request that the Section 103 rejection of Claims 1-5 as being unpatentable over Ueda in view of Koch, and further in view of Hossack be withdrawn.

The rejection of Claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Koch and Hossack, and further in view of U.S. Patent No. 5,920,828 (Norris) is respectfully traversed.

Ueda, Koch, and Hossack are described above. Norris describes an automated quality control system for processing geophysical seismic data and positioning data from a marine navigation system 14. The invention includes a prospect data logger 10 in communication with system components for accessing the seismic data, for coordinating seismic data processing, and for identifying and storing attribute data relevant to the seismic data and the positioning data. Prospect data logger 10 is capable of storing data in a programmed format, and can be engaged with a display 36 for illustrating data accessible to the prospect data logger. Prospect data logger 10 is capable of automatically performing quality control functions such as checking seismic data and positioning data, of verifying the format of merged seismic and positioning data, of generating a command for indicating an event or for controlling another system component. Prospect data logger can verify storage tape quality immediately after data is inputted, and a record of events can be generated. Raw seismic data and positioning data is contemporaneously merged, the merged data can be monitored on a real-time basis, and data processing and quality control can be performed from remote terminals. The system uniquely provides real-time quality control operations sufficient to identify variables and events so that immediate system corrections can be made.

Applicants respectfully submit that the Section 103 rejection of Claims 6 and 7 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Ueda, Koch, Hossack, or Norris, considered alone or in combination, describe nor suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Ueda with Koch, Hossack, and Norris because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levingood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine

such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck , 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is clearly based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Moreover, if art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited, as a whole, is not suggestive of the presently claimed invention. Accordingly, for at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection be withdrawn.

Moreover, to the extent understood, no combination of Ueda, Koch, Hossack, and Norris describes nor suggests the claimed combination and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claims 6 and 7 depend, directly or indirectly, from independent Claim 1, which recites a method of managing NDE data comprising "providing a predetermined standard data format for NDE test data...converting existing NDE test data including a plurality of different data formats into the standard data format, wherein the plurality of different data formats comprise image data formats and non-image data formats...adding the converted NDE test data to a computer database associated with a computer network...and transmitting the converted data over the network."

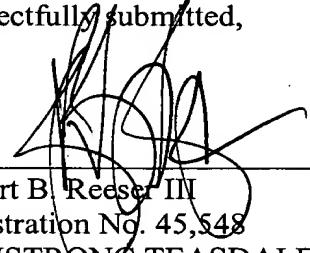
None of Ueda, Koch, Hossack, or Norris considered alone or in combination, describe or suggest the method recited in Claim 1. For example, none of Ueda, Koch, Hossack, or Norris, considered alone or in combination, describe nor suggest converting existing NDE test data including a plurality of different data formats into a standard data format, wherein the plurality of different data formats comprise image data formats and non-image data formats, as recited in Claim 1. Rather, Hossack describes converting Doppler and B-mode image information into two-dimensional images in a DICOM or TIFF format. Accordingly, Hossack does not describe or suggest converting a plurality of different data formats into a standard data format, wherein the plurality of different data formats comprise image data formats and non-image data formats. None of Ueda, Koch, or Norris, considered alone or in combination, make up for the deficiencies of Hossack. Accordingly, Claim 1 is submitted to be patentable over Ueda in view of Koch and Hossack, and further in view of Norris.

Claims 6 and 7 depend, directly or indirectly, from independent Claim 1. When the recitations of dependent claims 6 and 7 are considered in combination with the recitations of independent Claim 1, Applicants submit that dependent Claims 6 and 7 are likewise patentable over Ueda in view of Koch and Hossack, and further in view of Norris.

For at least the reasons set forth above, Applicants request that the Section 103 rejection of Claims 6 and 7 as being unpatentable over Ueda in view of Koch and Hossack, and further in view of Norris be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



Robert B. Reeser, III
Registration No. 45,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102-2740
(314) 621-5070